

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER  
DISASTER SITE LITIGATION

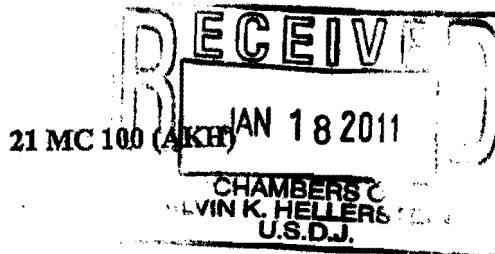
PAUL WHALEN AND ANASTASIA  
WHALEN,

Plaintiffs,

- against -

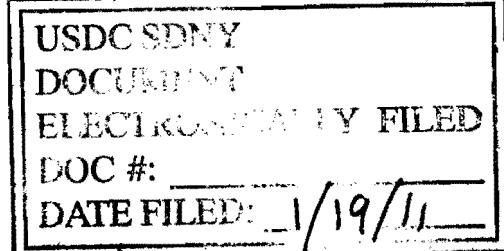
THE CITY OF NEW YORK,

Defendant.



10 CV 1130

PARTIAL STIPULATION OF  
VOLUNTARY DISMISSAL AS  
AGAINST ALL PARTIES  
PURSUANT TO F.R.C.P.  
41(a)(1)(A)(ii)



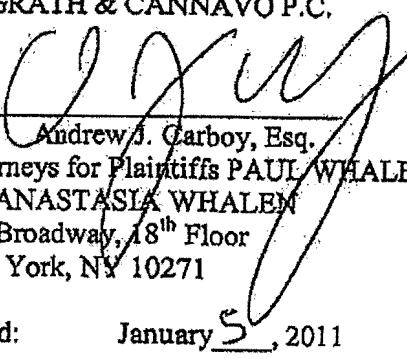
IT IS HEREBY STIPULATED AND AGREED by and between the parties that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii):

1. The above-captioned action is voluntarily dismissed pursuant to the following terms and conditions:
2. All claims by Plaintiffs PAUL WHALEN and ANASTASIA WHALEN against all Defendants or against any Defendant arising out of or relating in any way to World Trade Center-related rescue, recovery and/or debris-removal operations and/or clean-up at any location on and/or after September 11, 2001, are voluntarily dismissed.
3. All claims that were asserted or could have been brought in relation to Plaintiff's existing pleadings are dismissed with prejudice.

4. This dismissal is without prejudice solely in relation to a second injury to the extent permitted by New York State law and as may be defined by any court having jurisdiction over any such later-filed complaint. If after this Stipulation is filed Plaintiff commences an action asserting such alleged second injury claims against any or all of the entities listed on Exhibit A to the World Trade Center Litigation Settlement Process Agreement, As Amended ("Amended SPA"), such action shall constitute a "New Debris Removal Claim" as defined in the Amended SPA.

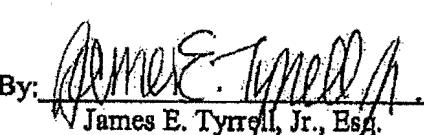
5. The dismissal is without costs.

SULLIVAN PAPAIN BLOCK  
McGRATH & CANNAVO P.C.

By:   
Andrew J. Garboy, Esq.  
Attorneys for Plaintiffs PAUL WHALEN  
and ANASTASIA WHALEN  
120 Broadway, 18<sup>th</sup> Floor  
New York, NY 10271

Dated: January 5, 2011

PATTON BOGGS LLP

By:   
James E. Tyrrell, Jr., Esq.  
Attorneys for all Defendants  
The Legal Center  
One Riverfront Plaza, Suite 600  
Newark, NJ 07102

Dated: January 10, 2011

SO ORDERED

1/19/11



